



STATE OF DELAWARE
THE COURTS OF THE JUSTICES OF THE PEACE
820 NORTH FRENCH STREET, 11TH FLOOR
WILMINGTON, DELAWARE 19801

NORMAN A. BARRON
CHIEF MAGISTRATE

TELEPHONE: (302) 571-2485

POLICY DIRECTIVE 80-012 (REVISED)

TO: ALL JUSTICES OF THE PEACE
STATE OF DELAWARE

FROM: NORMAN A. BARRON
CHIEF MAGISTRATE

DATE: APRIL 20, 1981

RE: AUTHORIZED LEAVES OF ABSENCE FOR JUSTICES OF THE PEACE

From the date of this Directive, there shall be five (5) forms of authorized leave for Justices of the Peace. They are as follows:

1. Annual (Vacation) Leave

a. All Justices of the Peace shall be entitled to 1 3/4 working days per month in annual (vacation) leave. Annual (vacation) leave shall be credited from the first day of employment. All Justices of the Peace shall be entitled to twenty-one (21) annual (vacation) leave days per year.

b. Unused annual (vacation) leave days may be accumulated without limit. A Justice of the Peace who retires from service, resigns from service, or is terminated by replace-

ment, shall be entitled to separation pay in an amount equal to the amount of accrued annual (vacation) leave days earned, not to exceed forty-two (42) days annual (vacation) leave. Separation pay shall be computed on five (5) day work weeks as opposed to consecutive calendar days.

c. Annual (vacation) leave is granted at the convenience of the court system and with the advance approval of the Deputy Chief Magistrate to whom the Justice of the Peace reports.

2. Sick Leave

a. Each Justice of the Peace is entitled to sick leave of 1 1/4 working days with pay for each month of service, (15 days per year), beginning with the first completed calendar month. Sick leave is for that purpose only. Unused sick leave days may be accumulated without limit, but for cash payment, a maximum of 90 days credit shall apply. Payment for unused sick leave shall be permitted only as specified below:

i. In the event of death of the Justice of the Peace, payment shall be made to his or her estate at the rate of one (1) day's pay for each day of unused sick leave;

ii. At retirement under the State Pension Law, payment shall be made at the rate of one (1) day's pay for each two (2) days of unused sick leave.

b. Justices of the Peace may use sick leave, upon approval of the Deputy Chief Magistrate to whom the Justice of the Peace reports, for absence due to illness or injury and to illness or injury in the Justice of the Peace's immediate family.

Members of the immediate family shall be defined

as:

1. father;
2. mother;
3. brother;
4. sister;
5. son;
6. daughter;
7. husband;
8. wife;
9. parent-in-law;

10. any relative who resides in the same household as the Justice of the Peace; or

11. any person with whom the Justice of the Peace has made his or her home.

c. The applicable Deputy Chief Magistrate may require a medical certificate in any case of sick leave.

d. In the event that sick leave has been exhausted, the excess days will be charged to compensatory leave. In the event that sick leave and compensatory leave have been exhausted, the excess days shall be charged to annual (vacation) leave. In the event that sick leave, compensatory leave, and annual (vacation) leave have been exhausted, the Chief Magistrate in consultation with the application Deputy Chief Magistrate reserves the right to consider further leave on the merits of the case.

3. Death in the Family

a. Justices of the Peace may be granted leave not to exceed five (5) consecutive days with pay, not chargeable to sick leave or other leave, in case of a death in the Justice's immediate family.

b. In the case of a death of a near relative, a Justice of the Peace may be granted leave with pay on the day of the funeral. This one (1) day leave shall be in addition to other leaves granted to the Justice of the Peace.

Near relatives shall be defined as:

1. first cousin;
2. grandparent;
3. aunt;
4. uncle;
5. neice;

6. nephew;
7. brother-in-law; or
8. sister-in-law.

c. Leaves under this paragraph shall be granted upon the approval of the Deputy Chief Magistrate to whom the Justice of the Peace reports.

4. Compensatory Leave

a. Compensatory leave is authorized on the basis of a one (1) day's credit for each holiday worked by the Justice of the Peace or which occurred on a scheduled day off and for other work performed in excess of the scheduled work week or other work period.

b. Those holidays recognized by the State of Delaware as legal holidays shall be the holidays for which compensatory leave is authorized above. In addition, any day which the Governor declares to be a holiday for State employees shall also be considered as a holiday for which compensatory leave is authorized.

c. To reiterate by way of example:

1. If a Justice of the Peace works on a legal holiday, he/she is entitled to one (1) day's credit for that day worked;

2. If a Justice of the Peace has, by happenstance, a scheduled day off and that day falls on a legal holiday, he/she is entitled to one (1) day's credit for that day scheduled off if the Court to which the Justice of the Peace is assigned is open on that recognized legal holiday;

3. If a Justice of the Peace is on a schedule whereby he/she works a normal five (5) day work week (Monday thru Friday) and the Court is closed in any event on the legal holiday which falls during the course of a normal work week, then that Justice of the Peace is not entitled to a one (1) day's credit for that holiday observed.

4. Those Justices of the Peace who attend work-related seminars on their scheduled days off shall be credited with compensatory days equal in number to their scheduled days off.

5. A Justice of the Peace who works overtime shall be credited with a compensatory day for each seven and one-half (7 1/2) hours of overtime worked.

d. Leaves under this paragraph shall be granted upon the approval of the Deputy Chief Magistrate to whom the Justice of the Peace reports.

e. A Justice of the Peace must expend compensatory leave days within 180 days of the date earned.

5. Leave of Absence Without Pay

a. Justices of the Peace may apply for a leave of absence without pay. The application shall be in writing to the Chief Magistrate with copy to the Deputy Chief Magistrate to whom the Justice of the Peace reports.

b. The Chief Magistrate shall act upon the application in consultation with the applicable Deputy Chief Magistrate.

c. Leaves of absence without pay are not favored and will be approved only in those unusual cases where a physician deems, in writing, such a leave to be medically advisable, or in other extraordinary cases.

The Deputy Chief Magistrates for the three (3) counties shall keep accurate and up-to-date records of the leave earned and taken under this Policy Directive and immediately forward copies of said records to the Administrative Office as requests for leave are made and favorably acted upon. The length of a Justice of the Peace's annual (vacation) leave shall be determined on the basis of availability of other Justices of the Peace to fill in for the Justice requesting leave.

A Justice of the Peace shall not lose any accrued compensatory days when compensatory leave was curtailed or denied due to lack of availability of Justices of the Peace. This situation

could arise, for example, if less than the statutory allotment of Justices of the Peace for a particular county are sitting as Justices of the Peace.

As a member of the Judiciary, it is not proper for a Justice of the Peace to serve on a jury. Therefore, paid leave for jury duty is inapplicable for Justices of the Peace.

The Policy Directive supercedes all prior pronouncements on this subject and has prospective application only. Said prior pronouncements are hereby rescinded.

NAB:pm

cc: The Honorable Daniel L. Herrmann
John R. Fisher
Arthur R. Carello
Files



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TELEPHONE: (302) 571 - 6001

POLICY DIRECTIVE 80-12 (SUPPLEMENT)

TO: ALL JUSTICES OF THE PEACE
STATE OF DELAWARE

FROM: NORMAN A. BARRON
CHIEF MAGISTRATE

DATE: DECEMBER 17, 1987

RE: AUTHORIZED LEAVES OF ABSENCE FOR JUSTICES OF THE PEACE

Section 1, paragraph b. of Policy Directive 80-12
(Revised), dated April 20, 1981, is hereby amended to read as
follows:

"b. Unused annual (vacation) leave days may be accumulated without limit. A Justice of the Peace who retires from service, resigns from service, or is terminated by replacement, shall be entitled to separation pay in an amount equal to the amount of accrued annual (vacation) leave days earned, not to exceed forty-two (42) days carried over from prior years, plus any annual leave accrued, but not used, during the calendar year in which separation takes place. Separation pay shall be computed on five (5) day work weeks as opposed to consecutive calendar days."

The correct application of the above revision can be gleaned from the following example:

Judge Good resigns effective December 31, 1987 with an accumulated annual leave balance of 100 days. During 1987, Judge Good used five (5) annual leave days. For payout purposes, Judge Good would receive 58 days of pay. (42 days maximum carry over from prior years, plus 16 days accumulated but not taken in 1987.)

cc: The Honorable Andrew D. Christie
Michael E. McLaughlin
File [P12(S)]



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POLICY DIRECTIVE 80-012 (2ND SUPPLEMENT)

TO: ALL JUSTICES OF THE PEACE
STATE OF DELAWARE

FROM: NORMAN A. BARRON
CHIEF MAGISTRATE

DATE: MAY 19, 1988

RE: AUTHORIZED LEAVES OF ABSENCE FOR JUSTICES OF THE PEACE

On May 13, 1988, Governor Castle signed into law Senate Bill No. 89, as amended by House Amendment Nos. 1 and 3. 66 Del.Laws, c. 248. This new law covers leave regulations for certain exempt positions including Justices of the Peace. A copy of the new law is attached hereto. You will note that the provisions of the new law coincide with the provisions of Policy Directive 80-012 (Revised), dated April 20, 1981, with Supplement dated December 17, 1987.

Deputy Chief Magistrates shall be responsible for maintaining a record of those Magistrates reporting to them as well as their own leave accrual and usage. The Deputy Chief Magistrates shall also be responsible for ensuring that such records are reviewed by the Magistrates under their supervision

annually during the month of December, ensuring as well that such review is made a part of that Magistrate's leave record. See: 29 Del.C., §5905(b) (2).

NAB:pn

Attachment

cc: The Honorable Andrew D. Christie
Michael E. McLaughlin
File [P12(2S)]



MAY 13 1988

CC 248

DELAWARE STATE SENATE
134TH GENERAL ASSEMBLY

SENATE BILL NO. 89

AS AMENDED BY

HOUSE AMENDMENT NOS. 1 AND 3

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO UNIFORM LEAVE RULES FOR CERTAIN EXEMPT STATE POSITIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter I, Chapter 59, Title 29 of the Delaware Code by creating a new Section 5905 to read as follows:

"§5905. Leave Regulations for Certain Exempt Positions

(a) State employees in the exempt positions enumerated in Part (d) of this Section shall accrue sick leave at the rate of one and one quarter (1 1/4) work days for each completed calendar month of state service.

(1) Such employees shall have unlimited accrual privileges on unused sick leave.

(2) Sick leave accrual for purposes of cash payment upon separation from state service shall not exceed a maximum of ninety (90) days.

(b) State employees in the exempt positions enumerated in Part (d) of this Section shall accrue annual leave at the rate of one and three quarter (1 3/4) work days for each completed calendar month of service.

(1) Annual leave carried over into a new calendar year may not exceed twice the exempt employee's annual accrual rate. This determination shall be made as of December 31 of each calendar year, although it shall be possible to accrue and carry in excess of twice the annual accrual rate during the course of a calendar year.

(2) Secretaries of executive departments and/or agency heads are responsible for maintaining a record of their own and their employee's leave accrual and usage. Such records shall be reviewed by the employee annually during the month of December and such review shall be made a part of the employee's leave record.

(c) State employees in the exempt positions enumerated in Part (d) of this Section, upon termination of state service, shall be compensated for unused annual leave and sick leave in the following manner:

(1) Such employees shall be compensated at the rate of one (1) work day's pay for each day of unused annual leave. The maximum accrual carry over rate will be 42 days and the maximum earned annual leave during any given year will be 21 days annual accrual for a maximum 63 days at termination of state service.

(2) In the event of death of such employee, payment shall be made to their estate at the rate of one (1) work day's pay for each day of unused sick leave.

(3) Upon retirement under the State Pension Law, such employee shall be compensated at the rate of one (1) work day's pay for each two (2) days of unused sick leave, with a maximum accrual of 90 sick leave days for the purposes of cash payment.

(4) Such employees shall not be compensated for unused sick upon termination of state service except upon their retirement or death, as provided herein.

(5) For purposes of this Section and except as otherwise provided by law, an employee shall be deemed to have terminated his or her state service when he or she retires, dies, is laid off, dismissed, or resigns and files with the Secretary of State a signed statement indicating that he or she has no pending agreement to return to state service other than pursuant to §5502(a)(3) or §5502(b) of this Chapter.

(d) The leave regulations set forth in this Section shall only apply to those full-time appointed exempt positions except elected officials, judges (excluding Justices of the Peace), casual and seasonal employees, temporary employees and interns."



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PATRICIA WALTHER GRIFFIN
CHIEF MAGISTRATE

TELEPHONE: (302) 577-6001

POLICY DIRECTIVE 80-012 (3RD SUPPLEMENT)

TO: ALL JUSTICES OF THE PEACE, STATE OF DELAWARE

FROM: PATRICIA W. GRIFFIN *PWG*
CHIEF MAGISTRATE

DATE: January 19, 1994

RE: **COMPENSATORY TIME**

This Policy Directive (Supplement) is intended to make uniform statewide the policy regarding the allowance of compensatory time for Justices of the Peace engaged in work-related activities.

Justices of the Peace will be allowed compensatory time based on half day (4 hour) or full day (8 hour) allotments for the following work-related activities if they attend/participate in the activities during a week in which they also work five shifts:

1. Continuing Education Programs
2. Monthly Judges Meetings
3. Training Program for New Justices of the Peace (except for New Justices of the Peace). [Compensatory time for program administrators and teachers will be limited to the half day or full day periods actually spent teaching or administering the program. If practicable, efforts will be made by Deputy Chief Magistrates to relieve Justices of the Peace who are involved in the new judges training program from a full workload when they are completing their responsibilities in the program.]

4. Other programs/activities as determined appropriate by the Chief Magistrate in consultation with the Deputy Chief Magistrates.

PLEASE NOTE THAT JUSTICES OF THE PEACE MUST OBTAIN APPROVAL IN ADVANCE FROM THEIR DEPUTY CHIEF MAGISTRATE TO EITHER AN ABSENCE AT WORK OR TO OBTAIN COMPENSATORY TIME FOR ANY ACTIVITY.

Unless otherwise changed by this supplement, the provisions regarding compensatory time set forth in Policy Directive 80-012 remain in effect.

Please address any questions concerning this Directive to your Deputy Chief Magistrate or to me.

PWG:lba

cc: The Honorable E. Norman Veasey
The Honorable Andrew G.T. Moore, II
Thomas W. Nagle



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POLICY DIRECTIVE 80-012 (4TH SUPPLEMENT)

**TO: ALL JUSTICES OF THE PEACE
STATE OF DELAWARE**

**FROM: PATRICIA W. GRIFFIN
CHIEF MAGISTRATE** *PWG*

DATE: April 21, 1994

RE: COMPENSATORY TIME FOR STATE EMERGENCIES

Compensatory Leave is authorized on the basis of one day credit for each eight hours worked by a Justice of the Peace during the time in which the Governor of the State has declared a State of Emergency for the county in which the Justice of the Peace is working. This Policy is effective as of April 21, 1994 and will not be applied retroactively.

PWG:lba

cc: The Honorable E. Norman Veasey
The Honorable Andrew G.T. Moore, II
Thomas W. Nagle



STATE OF DELAWARE
JUSTICE OF THE PEACE COURT

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PATRICIA WALTHER GRIFFIN
CHIEF MAGISTRATE

POLICY DIRECTIVE 80-012 (5th Supplement)

TO: ALL JUSTICES OF THE PEACE
Patricia W. Griffin
FROM: HON. PATRICIA W. GRIFFIN
CHIEF MAGISTRATE
RE: AUTHORIZED LEAVES FOR JUSTICES OF THE PEACE – SPECIAL
MILITARY DUTY LEAVES
DATE: OCTOBER 29, 2001

This is to clarify, in writing, the Justice of the Peace Court's policy regarding military duty leaves for Justices of the Peace. This policy is consistent with policies in place for other state employees.

A Justice of the Peace who is a member of the military reserves of the United States or the National Guard and who is ordered to attend training camp or special duty during scheduled work hours shall be allowed leave with pay for a maximum number of hours of paid military duty leave of 112.5 hours or 15 days in any calendar year. Paid military duty leave (of up to 15 days per calendar year) shall not be deducted from annual leave. If the ordered military duty leave taken by a Justice of the Peace during any calendar year extends beyond 112.5 hours or 15 days, the portion of the leave beyond that time period shall be taken as annual leave or leave without pay.

PWG/crm

cc: Hon. E. Norman Veasey
Hon. Joseph T. Walsh
Hon. Henry duPont Ridgely
Hon. Alex J. Smalls
Hon. Vincent J. Poppiti
Hon. Alicia Howard
Thomas W. Nagle
Anna A. Lewis
H. John Betts
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